

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3263 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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SHIVABHAI MANGUBHAI MACHHI PATEL

Versus

DISTRICT MAGISTRATE

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Appearance:

HL PATEL ADVOCATES for Petitioner

MR HH PATEL, AGP, for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 01/12/1999

ORAL JUDGEMENT

#. The petitioner was detained under the provisins of Gujarat Prevention of Anti Social Activities Act, 1985 ('PASA Act' for short), by order passed by District Magistrate, Bharuch, dated 28th September, 1998, in exercise of powers under Section 3(1) of the PASA Act.

#. The grounds of detention were that the petitioner was found to be a bootlegger and as many as five offences

under the Bombay Prohibition Act were registered against him. The detaining authority also considered statements of three witnesses in respect of unregistered offences and, therefore, arrived at a satisfaction that the activities of the detenu were causing disturbance to public order and, after considering the alternative less drastic remedy, the detaining authority exercised the powers and detained the petitioner. The petitioner, therefore, approached this Court with this petition under Article 226 of the Constitution challenging the order of detention.

#. Mr. H.H. Patel, learned Assistant Government Pleader, states that the order of detention was passed on 28th September, 1998 and the matter has now become infructuous. Ms. J.K. Patel, learned advocate appearing for M/s. H.L. Patel, Advocates for the petitioner also concedes to this point.

#. The petition having become infructuous, deserves to be dismissed.

#. The petition is, therefore, dismissed as having become infructuous. Rule is discharged. No costs.

[ A.L. DAVE, J. ]

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